

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CIRIACO SILVERIO,

Movant,

- against -

UNITED STATES OF AMERICA,

Respondent.

ORDER

16 Civ. 4857 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:


On June 22, 2016, Ciriaco Silverio filed a petition to vacate his conviction for using or carrying a firearm in relation to a “crime of violence,” in violation of 18 U.S.C. § 924(c). (Dkt. No. 1) On May 6, 2019, Petitioner moved to stay this action pending the Supreme Court’s decision in United States v. Davis, No. 18-431. The Court granted Petitioner’s motion on May 7, 2019. (Dkt. Nos. 5-6) On June 24, 2019, the Supreme Court issued its decision in Davis, holding that 18 U.S.C. § 924(c)(3)(B) – in which “crime of violence” is defined – is unconstitutionally vague. United States v. Davis, 139 S. Ct. 2319, 2336 (2019).

On November 25, 2019, the Court granted Petitioner’s request for resentencing and set a date of February 19, 2020. (Dkt. No. 9) On February 12, 2020, the parties informed this Court that Silverio was released from Bureau of Prison’s custody on July 21, 2017, and was deported on August 17, 2017. (Feb. 12, 2020 Gov’t Ltr. (Dkt. No. 204), 10 Cr. 661) The parties requested that this Court adjourn the resentencing sine die and enter an amended judgment vacating Petitioner’s Section 924(c) conviction. (Id.) The Court adjourned the resentencing and on February 22, 2020, issued an amended judgment vacating Petitioner’s Section 924(c) conviction. (Am. Judgment (Dkt. No. 206), 10 Cr. 661)

Accordingly, the Clerk of Court is directed to close this case.

Dated: New York, New York
April 2, 2020

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe". The signature is written in a cursive, flowing style. The first name "Paul" is prominent, followed by "G." and "Gardephe".

Paul G. Gardephe
United States District Judge